

1                               BEFORE THE  
2                   ILLINOIS COMMERCE COMMISSION  
3 IN THE MATTER OF:               )  
                                      )  
4 ELOISE'S BAR-B-QUE               )  
              -VS-                       ) No. 04-0307  
5 PEOPLES GAS LIGHT AND            )  
  COKE COMPANY                       )  
6                                        )  
  Complaint as to                    )  
7 billing/charges in                 )  
  Chicago, Illinois                  )  
8  
                                  Chicago, Illinois  
9  
                                  November 24, 2004  
10  
                  Met, pursuant to adjournment, at 10 a.m.  
11  
BEFORE:  
12  
          MS. CLAUDIA SAINSOT,  
13        Administrative Law Judge  
14 APPEARANCES:  
15        MS. ELOISE BEASLEY  
          4152 West Cermak  
16        Chicago, Illinois 60623  
          appearing pro se;  
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1 APPEARANCES (Cont'd.):

2 MS. ERIN ZIAJA

77 West Wacker

3 Chicago, Illinois

4 appearing for Peoples Gas, Light and Coke  
Company.

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SULLIVAN REPORTING COMPANY, by

22 Patricia Wesley, CSR, RPR

License No. 084-002170

1 JUDGE SAINSOT: By the authority vested in me by  
2 the Illinois Commerce Commission, I now call Docket  
3 No. 04-0307. It is the matter of Eloise's Bar-B-Que  
4 vs. Peoples Gas, Light and Coke Company, Respondent.

5 For the record, this case was  
6 originally scheduled for trial today, however, there  
7 is an outstanding motion to compel and it's pretty  
8 expansive.

9 Ms. Ziaja --

10 MS. ZIAJA: Yes.

11 JUDGE SAINSOT: -- you want to tell me where we  
12 are with the motion to compel.

13 MS. ZIAJA: Well, your Honor, the motion to  
14 compel was on November, I believe, 10th. I have got  
15 the file stamped copy that they received on the 2nd.

16 Since that time, Ms. Beasley did send  
17 me what she considers to be her responses to the  
18 interrogatories and the document requests that I had  
19 sent to her on June 22nd and it is completely  
20 non-responsive and I don't believe she even really  
21 made an attempt to try to answer these questions in  
22 response to it, and if your Honor would like to see

1 the responses that I've got to the document  
2 requests, I'll provide those to you.

3                   In addition, the sort of written  
4 responses that she made on the notations of the  
5 document request, I received about ten pages worth  
6 of medical reports on Ms. Beasley, which I did not  
7 request. I received about eight pages of various  
8 licenses that she's received from the City of  
9 Chicago, as well as notifications that she took from  
10 service courses, which I didn't request.

11                   The only request that she actually  
12 responded to was I asked for information relating to  
13 her sales for the year period in dispute, because  
14 one of her issues she simply doesn't use her dryer  
15 and things like that and that she doesn't sell any  
16 item that would warrant such a high gas bill. She  
17 complied with that request. Other than that, I've  
18 got absolutely nothing from her.

19       JUDGE SAINSOT: Ms. Beasley, what does "in the  
20 envelope" mean? It's the Question No. 15 says  
21 "Please list monthly sales and revenues for Eloise's  
22 Bar-B-Que for the time period January 1, 2003

1 through May 2004." What does "in the envelope"  
2 mean?

3 MS. ZIAJA: She has it in the envelope --

4 MS. BEASLEY: I put it inside the envelope --

5 MS. ZIAJA: -- she provided me.

6 MS. BEASLEY: -- my sales tax return.

7 MS. ZIAJA: It's debatable when, but I would take  
8 this somewhat responsive. She provided me a copy of  
9 the state tax return that she filed in the State of  
10 Illinois, Department of Revenue, for December 2003  
11 where it says zero received, so I'm assuming she  
12 wasn't in business prior to that time, and then she  
13 provided me a copy from January through March of  
14 2004 and also from April 2004 through June 2004.

15 MS. BEASLEY: May I answer your question, your  
16 Honor?

17 JUDGE SAINSOT: That did answer my question,  
18 yes.

19 Ms. Beasley, there may be some  
20 questions that you are not able to fully answer.  
21 I wouldn't know, for example, Question three, the  
22 BTU or CFH rating of equipment I had, but, by

1 in large, these questions are pretty  
2 straightforward-and-simple questions and they are  
3 not answered.

4 MS. BEASLEY: I already answered them. I thought  
5 that I had already answered them here, and I didn't  
6 know she needed the address to the Illinois  
7 Commission. I thought she already knows the address  
8 to that I thought.

9 JUDGE SAINSOT: We've been through this,  
10 Ms. Beasley.

11 MS. BEASLEY: Right. That's what I told her.

12 JUDGE SAINSOT: No. We have already discussed  
13 the fact that you were suppose to answer these.  
14 There are reasons why you are suppose to fill this  
15 out.

16 MS. BEASLEY: That's why I filled them out. She  
17 told me to fill them out to the best of my ability  
18 and I didn't think I needed to put the address. I  
19 just put the gentleman's name.

20 JUDGE SAINSOT: That doesn't explain why you  
21 couldn't have bothered -- she asks for a list of all  
22 the gas-fired equipment found on the premises.

1 There's no response to that.

2 MS. BEASLEY: But --

3 JUDGE SAINSOT: That doesn't explain that.

4 MS. BEASLEY: But she told me I didn't have to  
5 write it down, because I thought I already told her  
6 what we used here.

7 JUDGE SAINSOT: We have been through this,  
8 Ms. Beasley --

9 MS. BEASLEY: Right.

10 JUDGE SAINSOT: -- and you have to answer this.

11 MS. BEASLEY: But I didn't think I needed to  
12 write them down again. I thought we already went  
13 through that, so I didn't think I needed to write it  
14 down again.

15 JUDGE SAINSOT: I don't know why you wouldn't  
16 know that, Ms. Beasley, because we already discussed  
17 the fact that she has a right to have it in writing.  
18 Okay.

19 MS. BEASLEY: I didn't know.

20 JUDGE SAINSOT: What you tell her in the course  
21 of negotiations is not the same thing as what is in  
22 writing.

1 MS. BEASLEY: But, your Honor, I was under the  
2 understanding in court that we had -- prior to this  
3 date that we were here before that I told you what I  
4 used and I thought it was all, you know, written  
5 down. I didn't know I needed to write it again.

6 JUDGE SAINSOT: Well, I don't know why you  
7 wouldn't know that, because we discussed it  
8 previously. I can only assume that you weren't  
9 listening when we discussed it.

10 MS. BEASLEY: But the information I didn't think  
11 she needed. I thought I had said before -- I  
12 thought when we were in court before over in Room  
13 800 that I told her what I used. I didn't know I  
14 needed to repeat it over and over again.

15 JUDGE SAINSOT: Well, then why would she send  
16 this to you?

17 MS. BEASLEY: I don't know. She told me when we  
18 were here last over in the Room 800 that answer the  
19 questions to the best of my ability, and I thought  
20 that I had already answered the questions that she  
21 asked, so I only sent her the information I thought  
22 that she didn't have. I have the information that



1 she needed, but I didn't think she needed it again.

2 JUDGE SAINSOT: Ms. Beasley, how long will it  
3 take you to fill out these -- fill this out?

4 MS. BEASLEY: I could do it right now if you want  
5 me to.

6 JUDGE SAINSOT: Well, I will give you a week to  
7 fill it out and mail it to Ms. Ziaja.

8 MS. BEASLEY: Basically, I don't have a law  
9 degree, your Honor, and I don't know about a lot of  
10 legal terms that she asked me, because --

11 JUDGE SAINSOT: Well, in fact, there are very few  
12 legal terms in here that I can see. The only terms  
13 that I see that might throw you out are BTU and CHF,  
14 but that's not a legal term. That's a gas thing.

15 MS. BEASLEY: That's what I'm saying. Yesterday  
16 she called me on the phone last three and four days  
17 like drilling me, drilling me. I said I think I  
18 better let the judge tell me these things.

19 JUDGE SAINSOT: What she said to you on the phone  
20 about this is not germane to whether you can answer  
21 this.

22 MS. BEASLEY: But what I'm saying to you is some

1 of the questions on there I can't answer

2 because --

3 JUDGE SAINSOT: Then you can put down I don't  
4 know.

5 MS. BEASLEY: Right. Oh, okay. All right. I'll  
6 do that, but I feel as though she's representing the  
7 company that I'm not suppose to be talking to her  
8 anyway. I'm suppose to let you decide. You are the  
9 judge, not her.

10 JUDGE SAINSOT: You are acting as your own  
11 lawyer. Why can't you talk to her?

12 MS. BEASLEY: I don't want to be screaming and  
13 yelling back and forth. I don't know nothing about  
14 no legal terms.

15 JUDGE SAINSOT: There's no legal terms in there,  
16 maybe complainant. I wouldn't call that a --

17 MS. BEASLEY: What I'm trying to say is this. I  
18 came here the last four times and I have told her  
19 what I've used over and over, but I didn't know you  
20 have to write it down in writing. If I had known  
21 that --

22 JUDGE SAINSOT: We've already been through that,

1 Ms. Beasley.

2 MS. BEASLEY: That's what I'm saying. I'll

3 write it down.

4 JUDGE SAINSOT: All right. So I'm giving you one

5 week to fully complete the discovery request

6 submitted by Ms. Ziaja.

7 MS. BEASLEY: Can I ask her some questions? She

8 can send me some answers to why --

9 JUDGE SAINSOT: Ms. Beasley --

10 MS. BEASLEY: Yes.

11 JUDGE SAINSOT: -- you didn't want to send her

12 any questions.

13 MS. BEASLEY: No, I didn't never say I didn't

14 want to send her any questions. I said they're

15 saying I'm owing all these bills. I want to let her

16 send me some proof that she said I owe based on the

17 meter readings since I've been there.

18 JUDGE SAINSOT: Ms. Beasley, I asked you months

19 ago if you had any questions.

20 MS. BEASLEY: Right.

21 JUDGE SAINSOT: Right? Now it's too late to

22 submit. This is the eve of trial. The only reason

1 this case isn't going to trial is because you  
2 delayed it by not filling this out. Now it's too  
3 late for you to ask her questions. Now what's a  
4 good trial date?

5 MS. ZIAJA: I'm fine for any date except the  
6 second week of December.

7 JUDGE SAINSOT: Which is the week of the 13th.

8 MS. ZIAJA: It would be the week of like the 7th  
9 through -- the 7th through the 13th would be bad.

10 JUDGE SAINSOT: How about Tuesday, the 14th, at  
11 10 o'clock?

12 MS. ZIAJA: That's fine.

13 MS. BEASLEY: That was 10 a.m., your Honor?

14 JUDGE SAINSOT: Yes.

15 MS. ZIAJA: If I may, your Honor, I want to  
16 clarify that Ms. Beasley intends to bring Deshane  
17 Harvel (phonetic) from the Illinois Commerce  
18 Commission as a witness.

19 MS. BEASLEY: She asked me did I have any  
20 witnesses. That's the only person I talked to  
21 about the bill and that's the only person I know  
22 that I've talked to. I don't know about bringing

1   them to court or anything like that.

2       MS. ZIAJA:   I believe I asked her whether she  
3   intends to bring any witnesses to trial and she put  
4   Deshane Harvel (phonetic)

5       JUDGE SAINSOT:   Well, you can try that.   You  
6   know, normally you have to subpoena somebody like  
7   that.

8       MS. BEASLEY:   Right, because, see, the only  
9   person I've talked to is Deshane Harvel about this  
10   problem, and then when gas got turned off, I tried  
11   to speak with him, but he couldn't -- they wouldn't  
12   let me speak to him.   They put the supervisor on the  
13   phone.   They wouldn't give me the last name of Ken  
14   at the Illinois Commerce Commission, because I said  
15   that I was -- because the complaint was that my bill  
16   was being overcharged monthly, then the supervisor  
17   got on the phone and changed it.   He says, no, your  
18   complaint is you owe 2500.   He just changed  
19   everything around and he wouldn't let me speak to  
20   Mr. Deshane Harvel any more at the Illinois Commerce  
21   Commission office.   This guy named Ken he said he  
22   was the supervisor.   It was strange to me, too.

1 That's exactly what I said.

2 JUDGE SAINSOT: I don't see where that's  
3 relevant. What the concern is here, the reason you  
4 have to fill these papers out, is so that Ms. Ziaja  
5 understands your case enough so that she can present  
6 a defense.

7 MS. BEASLEY: Okay. I see.

8 JUDGE SAINSOT: This is germane only in as far as  
9 I can tell in that she needs to know who your  
10 witnesses are and what they're going to testify to,  
11 but you are suppose to put this down on paper so we  
12 don't have to have a discussion about this, just  
13 please put it down --

14 MS. BEASLEY: In writing?

15 JUDGE SAINSOT: -- in writing. And I don't  
16 think -- if you intend to call an ICC employee as a  
17 witness, you better get that all straightened out.  
18 I think you have to subpoena that employee.

19 MS. BEASLEY: That's the only witness that I have  
20 talked to about this case, him and the supervisor  
21 over there. There's nobody else. He's the only  
22 person.

1 JUDGE SAINSOT: You are not listening to me. If  
2 you intend to call that witness, you have to get  
3 your subpoena in order or talk to that person and  
4 figure out what you need to do.

5 MS. BEASLEY: Oh, okay. Then --

6 JUDGE SAINSOT: It's not that simple. They don't  
7 just -- witnesses don't just appear by magic.

8 MS. BEASLEY: I better write that down then.

9 JUDGE SAINSOT: And subpoenas under the ICC rules  
10 are a little different. You have to file a motion  
11 and have attached a subpoena. There's a whole  
12 process.

13 MS. BEASLEY: I thought I read it correctly,  
14 maybe I didn't. She said do you have any witnesses.  
15 That's the only person that I talked to about this  
16 case, besides you here and the court reporter.

17 JUDGE SAINSOT: I'm just saying if you intend to  
18 have this person at the trial that you better get  
19 that ordered now.

20 MS. BEASLEY: Well, see, I'm not a lawyer, your  
21 Honor. I only have six months of college, so I'm  
22 not that smart when it comes to lawyers, so that's

1 why I'm here before you to find out what my rights  
2 are, because I don't know, because you can make one  
3 word and I'd be like -- I have got his address and  
4 his phone number, and the reason for delay was me  
5 sending -- I had fell through a crack in the  
6 restaurant and fell and broke my leg. I bearly can  
7 walk and I've been on crunches for about three weeks  
8 and my ankle's not healed.

9 JUDGE SAINSOT: When were they due? When were  
10 you suppose to have them?

11 MS. BEASLEY: She had told me, because she sends  
12 me some kind of letter, she's asking you're to  
13 dismiss the case and that's what I thought it  
14 read. I sent her the medical -- that's the only  
15 reason I sent her my medical records. I let her  
16 know I've been in the hospital, because my leg  
17 broke, and then I had to go for a colonoscopy test.  
18 I have to go back December 6 for that, too, so I  
19 sent her my medical records to prove I haven't been  
20 delayed.

21 JUDGE SAINSOT: When were they due? When were  
22 you suppose to serve Ms. Ziaja?



1 MS. BEASLEY: I didn't have any exact date.

2 JUDGE SAINSOT: When did I give you the due date?

3 Did I give you a date?

4 MS. BEASLEY: To send these things in?

5 JUDGE SAINSOT: Yes.

6 MS. BEASLEY: I don't remember.

7 JUDGE SAINSOT: I can look it up in my file, but

8 I did give you a date. I always give dates.

9 MS. BEASLEY: I don't remember a date. I would

10 have written it down.

11 JUDGE SAINSOT: I also remember, Ms. Beasley,

12 asking you when you could get it done by and I set

13 the date according to your schedule.

14 MS. BEASLEY: Right. Right, because I told you I

15 was sick.

16 MS. ZIAJA: Your Honor, it was -- she was

17 provided 14 days. I have a copy of the transcript

18 and that hearing was on October 1st.

19 JUDGE SAINSOT: So October 15th roughly?

20 MS. ZIAJA: When they were due, then I gave her

21 an additional month before I filed the motion to

22 compel.

1 JUDGE SAINSOT: No. So now we are looking at a  
2 month and a half.

3 MS. BEASLEY: See, I thought that you said --  
4 because I was sick, I didn't know I was going to  
5 have to have an operation or not. You asked me how  
6 much time did I need for that, because I had to go  
7 for a colonoscopy on October 13.

8 JUDGE SAINSOT: I set the date according to what  
9 you said you could do.

10 MS. BEASLEY: I didn't know.

11 JUDGE SAINSOT: You were still a month-and-a-half  
12 late and you still sent her responses that really  
13 didn't answer her questions.

14 MS. BEASLEY: Because I broke my foot. I almost  
15 broke my leg.

16 JUDGE SAINSOT: Ms. Beasley, if you do not answer  
17 those questions, I will dismiss your complaint, so  
18 please see that you do.

19 Anything further?

20 MS. ZIAJA: I have nothing, your Honor.

21 JUDGE SAINSOT: Would you like these back, the  
22 answers back?

1 MS. ZIAJA: I don't know if Ms. Beasley has  
2 another copy.

3 MS. BEASLEY: I sent her the answers written on  
4 the paper so I need a copy of it. That's the only  
5 one I have.

6 JUDGE SAINSOT: Do you have another copy?

7 MS. BEASLEY: I sent it to her, so I need it  
8 back.

9 JUDGE SAINSOT: I take it you have a clean copy.

10 MS. ZIAJA: I have a clean copy.

11 JUDGE SAINSOT: You know, I'll just make a xerox.

12 MS. ZIAJA: I do. I have. It's actually right  
13 in front of me, so I can give her this copy.

14 (Document tendered.)

15 JUDGE SAINSOT: Okay. Anything further?

16 MS. ZIAJA: No.

17 JUDGE SAINSOT: Thanks.

18 (Whereupon, the above  
19 matter was adjourned,  
20 Continued to  
21 December 14, 2004.)  
22